

NINTH DAY

(Monday, October 28, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, October 24, 1957, was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
October 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 11, Granting permission to Carl Posinski and Gertrude Posinski Goodney (Mrs. W. I. Goodney) to sue the State of Texas.

H. C. R. No. 16, Requesting that the Texas Legislative Council conduct a comprehensive study of the laws pertaining to Water Control and Improvement Districts.

H. C. R. No. 6, Granting Ernest Senkel permission to sue the State.

H. C. R. No. 9, Granting the Medical-Professional Building Corporation of Corpus Christi, Texas, et al., per-

mission to sue the State of Texas and the Texas State Highway Commission.

H. C. R. No. 18, Granting South-Tex Corporation permission to bring suit against the State of Texas.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 63

Senator Aikin offered the following resolution:

Whereas, Mrs. W. M. Watson, Mrs. L. W. Bramlett, Mrs. W. A. Tittle, Mrs. Jack Ponder, Mrs. M. K. Knight and Mrs. A. L. Miller, are visitors at the Capitol today; and

Whereas, We are delighted to have these fine ladies as our guests; now, therefore, be it

Resolved, That they be extended a hearty welcome and the privileges of the floor for today.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

(Senator Weinert in the Chair.)

Senate Concurrent Resolution 3

Senator Moffett offered the following resolution:

S. C. R. No. 3, Memorializing Congress Relating to Making Correction in the Internal Revenue Code.

Whereas, Under Section 1033 of the U. S. 1954 Internal Revenue Code, if land is taken under condemnation proceedings either by a State agency or a Federal agency, the taking thereof is held to be an "involuntary conversion," and, if the amount received by the landowner exceeds the amount the land costs him, the excess is held to be income; and

Whereas, This excess brought about by "involuntary conversion" is subject to Federal income tax if the landowner does not, within one year, invest the proceeds of the forced sale in land of similar or related use; and

Whereas, Under the present contemplated program of the State Government of Texas and of the Federal Government many large reservoirs of water will be created under condemnation proceedings and tens of thousands of acres of land will be flooded,

and thus taken out of use for agriculture and grazing; and

Whereas, Also many thousands of acres of land, as well as other property, will be condemned for highway right-of-way purposes in the consummation of the current Federal interstate highway program; and

Whereas, A considerable portion of the land taken by condemnation will be valuable property, including that along river and creek courses, and will generally flood the arable and best grazing lands, and leave the ridge land (the least valuable) to the landowners; and in many cases will totally disrupt a practical and profitable business operation; and

Whereas, Under the Section of the Income Tax Law referred to hereinbefore, landowners will have to invest the proceeds of the condemnation sales in other property similar to that taken from them by "involuntary conversion," or pay income tax as stated hereinbefore; and

Whereas, This condemnation of large acreages of good arable and grazing lands will greatly reduce the amount of such land, and, at the same time increase the number of people trying to purchase such lands, and thereby stimulate the operation of the law of supply and demand, thus causing the price asked for such similar land or property to be increased considerably for such land or property as may be offered for sale; and

Whereas, In many cases aged people of relatively small financial resources will be forced to pay the income tax or seek a home in distant parts of the State, or other states, where similar property may be for sale, and, if they succeed in finding such property for sale and do purchase same, they will have to leave the communities where their relatives and long time friends live and where their church and other civic ties have long been established, and begin life among strangers; and

Whereas, These landowners annually pay Federal income taxes as other citizens do, and yet by this discriminatory provision of the present Internal Revenue Code, they are unjustly required to pay an additional income tax; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States be petitioned to amend the Income Tax Code so as to repeal the provision requiring the owners of land or property taken by

condemnation to pay income tax on the excess in such sales and permit the owners, without paying income tax on same, to invest the proceeds in any kind of property they may desire; and be it further

Resolved, That official copies of this resolution be sent to the two United States Senators from Texas and to each of the U. S. Congressmen from Texas, and a copy sent to Honorable Robert Anderson, Secretary of the Treasury.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

(President in the Chair.)

Message from the House

Hall of the House of Representatives,
Austin, Texas,
October 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 5, A bill to be entitled "An Act creating the Law Enforcement Study Committee; providing for its duration, membership, organization, investigations, research, reports, other duties and functions; making other provisions in regard thereto; authorizing the employment of certain personnel, providing for the transfer of funds for certain expenditures; providing for the cooperation of the various Departments of the State Government; providing for hearings to be held in executive session; providing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill on First Reading

Pursuant to provisions of the Proclamation of the Governor for the First Called Session of the Fifty-fifth Legislature, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Owen:

S. B. No. 8, A bill to be entitled "An Act providing for a State Insur-

ance Building; appropriating to the State Building Commission unexpended balances on hand or in special funds credited to the State Board of Insurance on October 31, 1957, and revenues received by the State Board of Insurance from any source which are in excess of existing appropriation; fixing limit on an existing indefinite appropriation; authorizing the transfer of such funds to the Building Commission; excepting monies from the General Revenue Fund; vesting authority in the State Building Commission to select and acquire a building site with advice of a Legislative Committee; expressing legislative intent as to necessity for operation and maintenance; repealing all conflicting laws; providing severability; and declaring an emergency."

To the Committee on Insurance.

Senate Resolution 67

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Dr. J. C. Davis of Rule, Haskell County, Texas, formerly a member of the House of Representatives during the 44th and 45th Sessions of the Legislature; and

Whereas, We desire to welcome this distinguished guest to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended an official welcome.

MOFFETT
AIKIN

The resolution was read and was adopted.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
October 28, 1957.

To the Senate of the Fifty-fifth Legislature, First Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Associate Justice of the Supreme Court of Texas, to fill the unexpired term of Judge Few Brewster, resigned: Joe R. Greenhill of Austin, Travis County.

Respectfully submitted,

PRICE DANIEL,
Governor of Texas.

Meeting of Committee on Nominations

On motion of Senator Lock and by unanimous consent a meeting of the Committee on Nominations was held in Committee Room No. 1.

House Bill on First Reading

The following bill received from the House today was read first time and referred to the committee indicated:

H. B. No. 5, To the Committee on State Affairs.

Executive Session

On motion of Senator Lock and by unanimous consent, the Senate agreed to hold an executive session at 11:24 o'clock a.m. today.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive Session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nomination of the Governor:

To be Associate Justice of the Supreme Court of Texas, to fill the unexpired term of Judge Few Brewster, resigned: Joe R. Greenhill of Austin, Travis County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:26 o'clock a.m. today.

Adjournment

On motion of Senator Hardeman the Senate at 11:27 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

Milburn S. Long

Senator Ratliff offered the following resolution:

(Senate Resolution 58)

Whereas, God, in His wisdom, saw fit to take Judge Milburn S. Long from this earth on Tuesday, October 16, 1957; and

Whereas, Judge Long was born at Granbury, Texas, October 23, 1893, educated at Reynolds Presbyterian College in Albany, and was admitted to the bar in 1916; and

Whereas, He married Miss Ida Clausell of Albany, August 30, 1915; became Prosecuting Attorney of Shackelford County in 1917, serving until his election as District Attorney in 1922; and

Whereas, Judge Long was appointed District Judge by Governor Dan Moody in 1927 and served until 1944 when he was elected to the Court of Civil Appeals of the Eleventh District; and

Whereas, He was a member of the First Methodist Church in Eastland, the Masonic Lodge, Odd Fellows, Woodmen of the World; and, therefore, be it

Resolved, That it is the desire of the Senate of Texas to acknowledge the achievements and benefactions of this distinguished Texan; and, be it further

Resolved, That when the Senate adjourns today, it do so in his honor and that a page in the Permanent Journal in the Senate be devoted to the recording of this resolution; and, be it further

Resolved, That the sincere sympathy of the Senate be extended to his family and that copies of this resolution be sent to his wife and to his daughter, Mrs. Pat Owen.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Tommy Cooper

Senator Ratliff offered the following resolution:

(Senate Resolution 59)

Whereas, Our Heavenly Father in His infinite wisdom did on the twenty-first day of October, 1957, call to his Heavenly Reward, twenty-four-year-old Tommy Cooper, a most outstanding young man; and

Whereas, Mr. Cooper was the victim of severe illnesses virtually all of his life, losing his eyesight in his senior year in high school and receiving his diploma with the aid of fellow students reading to him; and

Whereas, Mr. Cooper fought to live a normal life, was active in the Boy Scouts, receiving his Eagle Scout award in 1953, held offices in the Stamford Junior Chamber of Commerce, took an interest in Stamford civic affairs, and was public relations man for the South-western Diabetic Foundation; and, therefore, be it

Resolved, That when the Senate adjourns today, it do so in his honor and that a page in the permanent Journal in the Senate be devoted to the recording of this resolution; and be it further

Resolved, That the sincere sympathy of the Senate be extended to his family and that copies of this resolution shall be sent to his father and mother, Mr. and Mrs. B. Q. Cooper; his sister, Mrs. Ray Bertrand; and to his grandparents, Mr. and Mrs. Luther Cooper.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Honorable Thomas L. Blanton

Senator Ratliff offered the following resolution:

(Senate Resolution 60)

Whereas, On the 11th day of August, 1957, the Honorable Thomas L. Blanton answered that final call of our Heavenly Father, who in His wisdom beckoned unto Mr. Blanton that he might have his eternal reward; and

Whereas, Mr. Blanton was born October 25, 1872, at Houston, worked his way through the University of Texas finishing law school in 1897, and opened an office in Albany; and

Whereas, He married Miss May Louise Matthews in 1899, moved to Abilene in 1908 when he won the 42nd District Judgeship; and

Whereas, Mr. Blanton was elected U. S. Representative in 1917, served until 1936, and will be remembered as an ardent anti-Communist and a fighter for economy in government; and

Whereas, He returned to Albany to practice law shortly after his tenure in Congress, and had more than fifty years membership in the Abilene Knights of Pythias and in the Masonic Lodge, and belonged to Knights Templar, Scottish Rite, and IOOF; and, therefore, be it

Resolved, That it is the desire of the Senate of Texas to acknowledge the achievements and benefactions of this distinguished Texan; and, be it further

Resolved, That when the Senate adjourns today, it do so in his honor and that a page in the permanent Journal in the Senate be devoted to the recording of this resolution; and, be it further

Resolved, That the sincere sympathy of the Senate be extended to his family and that copies of this resolution shall be sent to his wife, Mrs. May Louise Blanton; to his daughter, Miss Ann Blanton; and to his sons, Thomas L. Blanton, Jr., Joseph E. Blanton, and Matthew Blanton.

RATLIFF

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Ashley and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Dallas Scarborough

Senator Ratliff offered the following resolution:

(Senate Resolution 61)

Whereas, In the passing of Dallas Scarborough of Abilene, Texas, on September 26, 1957, the people of Taylor County, and the City of Abilene, as well as the State of Texas, lost one of its most worthy and outstanding citizens; and

Whereas, Mr. Scarborough was born on Bushy Creek near Round Rock on March 14, 1882, graduated from Daniel Baker College at Brownwood, and studied law at the University of Texas; and

Whereas, Dallas Scarborough moved to Abilene in 1905, married Miss Jewel Davis on June 4, 1908, and engaged in the practice of law; and

Whereas, He was elected to the city council in 1917, served two years as Commissioner and followed that with four years service as Mayor of the City of Abilene, and

Whereas, He was a fellow in the American College of Trial Lawyers, and had an "AV rating" in the Martindale-Hubbell Law Directory; and

Whereas, Mr. Scarborough served on multiple community boards, and was active in Boy Scout work, Masonic Lodge, Episcopal Church, and old Elk's Club; and, therefore, be it

Resolved, That it is the desire of the Senate of Texas to acknowledge the achievements and benefactions of this distinguished Texan; and, be it further

Resolved, That when the Senate adjourns today, it do so in his honor and that a page in the permanent Journal in the Senate be devoted to the recording of this resolution; and, be it further

Resolved, That the sincere sympathy of the Senate be extended to his family and that copies of this resolution shall be sent to his wife, and to his sons, Davis Scarborough and Larry Scarborough.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

B. F. Vance

Senator Moore offered the following resolution:

(Senate Resolution 62)

Whereas, In the passing of B. F. Vance, Mayor of Bryan, Texas, from this earthly life on the 5th day of July, 1957, the people of the State of Texas, and in particular, the people of Brazos County and the City of Bryan have suffered an irreparable loss; and

Whereas, Mayor Vance was born at Boyd, Texas, on the 2nd day of June, 1900, and in 1929 he began his career as a school teacher in Wise County, having completed his formal education at Decatur Baptist College, Baylor University, North Texas State Teachers College and Texas Agricultural and Mechanical College; and

Whereas, Mayor Vance came to Bryan twenty-two years ago as District Agent for the Agricultural Extension Service of Texas Agricultural and Mechanical College. He later became Chairman of the Agricultural Adjustment Administration and continued as Director when it became the Production and Marketing Administration, (PMA). In 1947, he took a leave of absence and went to Greece as agricultural advisor with the American Mission for Aid to Greece. In 1958 he resigned his position with the PMA to become a real estate operator and developer in Bryan and he is credited as being one of the major builders of Bryan, having developed such residential areas as Meadowbrook, Garden Acres, North Garden Acres, Highland Park and Lakeview. He was the first President of the newly organized Bryan-College Station Home Builders Association, holding this office at the time of his death; and

Whereas, He was a member of the First Baptist Church, the Rotary Club, Masonic Lodge and many other civic and cultural groups of Bryan, and the contribution made by this fine, public spirited citizen to the civic and religious life of his community, state and nation will always be felt by his friends and associates; and

Whereas, He is survived by his wife, two sons, B. F. Vance, Jr. and William Ray Vance of Bryan; a daughter, Mrs. Betty Vance Goff, Robstown; one grandson; two brothers, Charles Vance, Milam, and Ernest Vance, Elmhurst, Ill.; two sisters, Mrs. Frank Thurmond, and Mrs. Alice Lewis, Houston; now, therefore, be it

Resolved, That it is the desire of the Senate of Texas to pay tribute to this worthy citizen, Mr. B. F. Vance; and, be it further

Resolved, That when the Senate adjourns today it do so in his honor and memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it further

Resolved, That an enrolled copy of this Resolution be sent to each surviving member of his family as a token of respect and sympathy.

MOORE

Signed—Ben Ramsey, Lieutenant Governor; Alkin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger Lane, Lock, Martin, Moffett, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Bradshaw and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of

Mrs. Ella Belle Hammer

Senator Herring offered the following resolution:

(Senate Resolution 64)

Whereas, In the passing of Mrs. Ella Belle Hammer of Ausin, Texas, on the 20th day of October, 1957, the people of Travis County lost a beloved citizen; and

Whereas, Mrs. Hammer belonged to a pioneer family of Travis County, having been born in Austin, Texas, and was a lifelong resident of that city; and

Whereas, she was a member of St. Louis Catholic Church and a devout Christian whose good works were known by all with whom she came in contact; and

Whereas, Mrs. Hammer is survived by her mother, Mrs. Kate H. Bruner and her sister, Mrs. G. R. Herzik, Jr., both of Austin; and an uncle, Mr. John Brunner of Taylor, Texas; now, therefore, be it

Resolved, That it is the desire of the Senate of the Special Session of the Fifty-Fifth Legislature to pay tribute to this worthy citizen; and, be it, further

Resolved, That when the Senate adjourns today it do so in her memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it further

Resolved, That an enrolled copy of this Resolution be sent to Mrs. Kate H. Brunner, Mrs. G. R. Herzik, Jr., and Mr. John Brunner as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Gaius G. Gannon

Senator Bracewell offered the following resolution:

(Senate Resolution 65)

Whereas, on September 17, 1957, Almighty God in His infinite wisdom called from his earthly life Gaius G. Gannon, a brilliant lawyer and an untiring and able justice; and

Whereas, Judge Gannon was a native of Dallas, attended Georgetown University in Washington, D. C. and the University of Texas; moving to Houston in 1929 he joined the law firm of Baker, Botts, Parker & Garwood, remaining there until 1945 after which he went into private practice; and

Whereas, Justice Gannon served with distinction as Associate Justice of the Court of Civil Appeals for the First Supreme Judicial District from November 1, 1955 to July 1, 1957 at which time he was elevated to the position of Chief Justice of such court; and

Whereas, Gaius Gannon, throughout his professional life as a lawyer, exemplified the highest ideals of the legal profession gaining the utmost respect of the bench and bar of the State of Texas; and

Whereas, Gaius Gannon was loved and respected by his many friends and the Senate desires to acknowledge his passing as a distinct loss to the State; now, therefore, be it

Resolved, By the Senate of the State of Texas that the passing of Judge Gaius G. Gannon be acknowledged with regret and that when the Senate adjourns today, it do so in the memory of Gaius G. Gannon.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of

Mrs. Mary Dendy

Senator Phillips offered the following resolution:

(Senate Resolution 66)

Whereas, On August 18, 1957, our Heavenly Father, in His infinite wisdom, did call from her earthly labors, Mrs. Mary Dendy, 67, a resident of Alvin, Texas; and

Whereas, Mary Dendy was born in Bremen, Germany, on September 14, 1889, and had been a resident of Alvin for the past fifty-four years; and

Whereas, Mrs. Dendy was a faithful member of the Alvin Assembly of God Church; now, therefore, be it

Resolved, By the Senate of the State of Texas that our sincere sympathy be extended to her surviving daughter, Mrs. Marie Woodward; her two sons, Samuel Brown and Luther Dendy; and, be it further

Resolved, That a page in the Senate Journal be dedicated to her memory.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
William Menzies

Senator Ashley offered the following resolution:

(Senate Resolution 68)

Whereas, The Universal Father, in His infinite wisdom, on October 22, 1957, removed from his earthly labors, in the one hundred and second year of his life, William Menzies, and

Whereas, This pioneer Menard County ranchman was born on July 29, 1855 in Aberdeen, Scotland, and

Whereas, His parents came to America in 1856 and settled at Irvington on the Hudson River in New York, and

Whereas, Mr. Menzies learned the carpenter trade from his father and as a young man built greenhouses at Hyde Park, the Roosevelt homestead, and

Whereas, Mr. Menzies came to Texas by boat at the age of twenty-one landing at Galveston, and

Whereas, He moved to Port Lavaca, later to Victoria, and ranched for a time in Karnes County, and in July 1887 moved to Menard County where he spent the remainder of his life, and

Whereas, In 1888 Mr. Menzies married Miss Letha Anne Chastain with whom he celebrated their golden wedding anniversary in 1938, and who preceded him in death in 1945, and

Whereas, Mr. Menzies was a pioneer ranchman in West Texas being engaged in the ranch business in Menard County for more than fifty years, and

Whereas, He was one of the leaders in progressive agriculture, where he pioneered the raising of sheep and goats as well as cattle, and

Whereas, The life of William Menzies exemplifies that rapidly passing generation of rugged individualists, who have been the bulwark of our state and nation throughout our history, and

Whereas, It is the desire of the Senate to pay him tribute and to express its sympathy to the surviving members of his family, namely, four sons, Bill, Alec, Max and Walter Menzies, all of Menard; three sisters, Mrs. Raymond Walston and Mrs. Irby McWilliams, both of Menard, and Mrs. Tom Jacoby of Junction; 19 grandchildren and 19 great-grandchildren, now, therefore, be it

Resolved, By the State of Texas, that a page in the Journal be set aside in memory of William Menzies; that when the Senate adjourns today it do so in his honor and that copies of this Resolution be sent to the members of his family under the official seal of the Senate by the Secretary of the Senate.

The resolution was read and was adopted by a rising vote of the Senate.